THE TRAVANCORE MATERNITY BENEFIT BILL

MR. K. G. KUNJUKRISHNA PILLAI: I rise to present the report of the Select Committee on the Maternity Benefit Bill. The only change made by the Select Committee is with regard to the amount to be paid to a woman worker for the days she is absent. They have reduced the amount, from 14 chs. to 10 chs. I move that the Bill as reported by the Select Committee be taken into consideration.

The motion was put and carried.

Clauses 1 and 2.

The question that Clauses 1 and 2 stand part of the Bill was put and carried and the Clauses were added to the bill.

Clause 3.

MR. T. V. THOMAS (*Nominated*) : Sir, I move:

In Clause 3 after sub-clause (*a*) insert the following for sub-clause (*b*) :—

> "For the purpose of this Act, Factory means any premises including the precincts thereof, whereon ten or more workers are working or were working on any day of the preceding twelve months and in any part of which a manufacturing process is being carried on, with or without the aid of power, or is ordinarily so carried on."

Sir, this amendment is intended to give the word 'factory' a liberal interpretation so as to extend the scope of this Bill.

MR. K. G. KUNJUKRISHNA PILLAI: The present amendment is not in order in view of two rulings from the Chair Nos. 90 and 91. The present amendment is intended to increase the scope of the word 'factory' to include factories which do not come as it is defined now. It has been definitely ruled from the Chair that at the second reading or after the report of the Select Committee, it will not be in order to increase the scope of the Bill. These rulings were invoked when the Medical Registration Bill came up for second reading. That ruling is reported in Volume 13 of the Assembly Proceedings.

MR. T. V. THOMAS: The understanding was that this amendment would be accepted.

PRESIDENT: Order, order I am afraid I must uphold the point of order. The Bill says that the expressions 'factory,' 'Inspector of factories' etc., shall have the same meanings as are respectively assigned to them by the Travancore Factories Act, VIII of 1114. The amendment now sought to be introduced is that for the purpose of the Maternity Benefit Bill, the term 'factory' shall have another signification than that given to it by the Factories Act of 1114. Now there will be many inconveniences not only statutory but practical, in regarding a particular place as a factory for one purpose and not a factory for another purpose. And also as has been pointed out, this is not the stage at which the amendment should be brought in.

Clauses 3 and 4.

The question that clauses 3 and 4 stand part of the Bill was put and carried.

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Clause 5.

MR. T. V. THOMAS: I move:

"In Clause 5, sub-clause (1) delete the words "not being a seasonal factory."

MR. K. G. KUNJUKRISHNA PILLAI: I have to make the same objection in regard to this also.

The amendment was ruled out of order.

MR. T. V. THOMAS: I move:

"In Clause 5, sub-clause (1) substitute fourteen for ten."

The draft bill before it was referred to the Select Committee contained provisions for the payment of fourteen chuckrams for a woman worker in a factory during the days she is absent. It is understood that the Select Committee has been of the opinion that the fourteen chuckrams granted to those women need not be granted to them, but that the amount may be reduced to ten chuckrams. I may add here that in British India the act was passed ten years ago and attempts have been made for amending the clause for the payment of this allowance. I understand that within a month the amendment will be carried in the British Indian Legislature. Moreover I do not understand why we should always follow British Indian enactments when the question can be considered on its own merit by people here. If this amendment is not carried, I am afraid that one or two industries which are paying fourteen chuckrams even now will reduce the amount to ten chuckrams. Instead of improving the conditions of the industrial workers in Travancore, this Bill as reported by the Select Committee is going to deprive the women workers of the benefit they are enjoying now.

There is another point to be considered. In a joint meeting of the employers and labour representatives at Alleppey, the minimum daily wages for a woman was fixed at twelve chuckrams. In Bombay legislation there is a minimum fixed. The minimum recommended and adopted at the Alleppey meeting will indicate the general opinion of the industries. I, therefore, appeal to the House to accept my amendment.

MR. PULIYOOR T. P. VELAYUDHAN PILLAI: I support the amendment.

SADASYATILAKA T. K. VELU PILLAI: I wish to speak in support of the amendment. In doing so I am sure that my friends who are connected with the factories, for whom I have respect and who have respect for me, will take my words in a spirit of friendship. For after all, the difference proposed is only four chuckrams payable by the sound businessmen of the country who make profit from the labour supplied by these unfortunate women. At the time of patrurition and during confinement and the convalescent period later on the women are compelled to have something. They have also to provide at least morsels of food for their children. At that time when women are performing the most important function of keeping alive the race of man, I would kindly entreat the House to consider whether their condition do not deserve some indulgence. And for one nazhi of rice—I do not refer to the black market and all that—we know the value. So whatever may be the position at other times in history, I believe there will be no opposition now. I entreat them to take a most charitable view in accordance with the noble traditions of Travancore.

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SRIMATHY T. MARAYANI AMMA (*Nominated*): I second the amendment. In the original Bill the figure mentioned was fourteen chuckrams. I had felt that even that figure was too low to meet the needs of women who are entitled to Maternity Benefit. It was however reduced to ten chuckrams which is absolutely inadequate for the purpose. The present amendment is therefore eminently in the fitness of things and I fully trust that it will be accepted by this House. Afterall four chuckrams does not make a great difference in the case of poor women entitled to Maternity Benefit and I hope this additional sum will not be grudged by this House.

MR. M. L. JANARDANAN PILLAI (*Nominated*): I did not want to speak on the Amendment. But when I heard an appeal to the employers, I felt it is my duty to speak a few words. I am sure myself and other employers in the Industry are not against giving fourteen chuckrams at all. We will be most pleased to do that. I think the object with which the matter was discussed in the Select Committee, if I remember right, was to bring to the notice of the House the disparity in the rates which are now proposed to be given and those in existence in the neighbouring State of Cochin. It was pointed out that the rate there was about 5¼ chuckrams, and that was why it was fixed at 10 chuckrams here. But I think, having regard to the present conditions in Travancore and in consideration of the necessity for contributing the best that we can for the uplift and betterment of the conditions of the womenfolk employed in the factories, I am sure myself and others will be glad to accept the amendment for giving 14 chuckrams

The question that '14 chuckrams' be substituted for '10 chuckrams' in Clause 5, Sub-clause (1) was put to the vote of the House and declared carried.

MR. T. V. THOMAS: I move that in proviso to Clause 5, substitute the words "within twelve months" for the word 'immediately'.

As it is, there is the difficulty of being in continuous employment so that a woman might be able to get the benefit. Therefore I appeal to the House that even if she has nine months total service within 12 months preceding the date on which she gives notice, she must get the benefit.

MR. K. G. KUNJUKRISHNA PILLAI: Sir, the provision is made in the Bill for what is called the qualifying period to entitle a worker for maternity benefit. The amendment does not seem to be apparently just, for, if a woman has service for just nine months and then went out of service and gives notice, it would be rather unfair. There may also be the case of a woman who goes out of the factory to a different one and then applies for benefit to the first employer under whom she worked for the first nine months. The whole object of the Bill is to ask the employer to pay for the woman who was working continuously for nine months on the date she gives notice.

MR. T. V. THOMAS: But the actual condition of the working class at Alleppey call for the amendment, because a woman working in a factory might be out of service three months after a period of one year. Again there might be occasional breaks in service for one or two weeks. These contingencies have also to be provided for.

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PRESIDENT: Supposing the woman is discharged for some mistake and was not employed at the time she puts her claim?

MR. T. V. THOMAS: That is dealt with in a subsequent section.

The amendment was put to vote and declared lost.

MR. T. V. THOMAS: I move that in Clause 5, Sub-clause (2), substitute "eight" for "seven" and the word "four" for "three."

The object of the amendment is to extend the benefit for eight weeks instead of for seven weeks as reported by the Select Committee. The Royal Commission on Labour has said that the benefit may be extended to eight weeks—four weeks before confinement and four weeks after that. I think this Bill will follow the recommendations made by the Labour Commission. So I appeal to the House to accept this amendment.

MR. K. G. KUNJUKRISHNA PILLAI: The Bill has been brought in consonance with the Madras Act, where it is only seven weeks. I have no objection to increase the period provided the House agrees to it.

The House accepted the amendment.

MR. T. V. THOMAS: Sir, I move that in Clause 5, Sub-clause (2), delete the sentence beginning with "if a woman dies."

This amendment involves a certain basic principle. The question is whether the benefit is earned by way of a right for past services or whether it is only an advance made by the employer for future service. If it is the former, then even if the woman dies, it must go to the legal representatives. If it is the latter, the employer will be benefited, for then the amount he gives is only an advance for future service. I hold that the benefit is earned as a right in lieu of the services done for the employer and it should not be denied even if she dies. I think it is the only charitable way and the House will accept the amendment.

MR. K. G. KUNJUKRISHNA PILLAI: No doubt it is charitable, but it is against principle. The benefit is given to the women during the time of confinement. If she dies on the date of birth of a baby, by the present amendment, the amount due to her for the remaining days will have to be calculated and given to her son or heirs. The Bill intends the benefit for the woman only. Therefore there is real objection in accepting the amendment.

The amendment was put to vote and declared lost.

Clause 5 as amended was put to the vote of the House and carried and the clause was added to the Bill.

Clauses 6 and 7.

The question that Clauses 6 and 7 do stand part of the Bill was put to the vote of the House and declared carried.

Clauses 6 and 7 were added to the Bill.

Clause 8.

MR. T. V. THOMAS: I move that in Clause 8, Sub-Clause 2 (a) insert the words 'or notice of retrenchment' after the words 'sufficient cause.

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It seems that the employer can very well dismiss a pregnant woman worker within a period of four months before the date of confinement on the ground of retrenchment. Therefore I would appeal to the House to accept the amendment that a woman worker shall not lose the benefit if dismissed without sufficient cause or retrenched.

PRESIDENT : I think if this House can continue to sit for half an hour more we will be able to finish this and then rise.

The House, having expressed their assent, the proceedings were continued.

MR. T. V. THOMAS : I think the right of the employer to dismiss the worker is not restricted by the amendment. The employer can very well dismiss the worker even if there is no sufficient cause. But the benefit earned should not be deprived, because of this illegal dismissal. In the same way notice of retrenchment during this period should not deprive the worker of the benefit earned for her past services. That is the intention of this amendment.

MR. K. G. KUNJUKRISHNA PILLAI : The objection to accept this amendment is this. If the amendment is accepted, any woman derives the benefit from the date she becomes pregnant. She might then become recalcitrant in the work. However we have provided three months as a sort of absolute immunity from dismissal. Now the honourable member wants to extend it to the whole period of pregnancy so that a woman who has become pregnant will take things easily in the factory. It is for the owners to give them special benefit. It is a matter to be decided by convention between capital and labour. Legislation ought not to be too extreme to such an extent as to penalise the employers for every thing. It is open to the Conciliation Board to consider the matter and extend the benefit to them.

MR. T. V. THOMAS : This amendment does not restrict the employer from dismissing the worker or his power to retrench. It merely provides that she should not be deprived of the right she has earned.

The amendment was put to vote and declared lost.

MR. T. V. THOMAS : I move that in clause 8, sub-clause (2) (a) substitute "the period of her pregnancy" for "a period of three months before her confinement."

The Bill restricts the employer from dismissing the worker within three months of her confinement. My amendment is to the effect that benefit shall not be deprived of the worker even on dismissal with sufficient cause during the period of pregnancy. An employer can dismiss a worker without sufficient cause above the period of three months.

MR. K. G. KUNJUKRISHNA PILLAI : I have already stated my objections for the previous amendment. This amendment as well, will give undue privilege to women not to work at all.

The amendment was put to vote and declared lost,

Clause 8 was put to the vote of the House and carried.

Clauses 9 to 12.

The question that clauses 9 to 12 do stand part of the bill was put to the vote of the House and declared carried.

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Clauses 9 to 12 were added to the Bill.

Clause 13.

MR. PULIYOOR T. P. VELAYUDHAN PILLAI: I have two amendments to make to this clause. The first is: Delete the word 'and' occurring at the end of sub clause (2) (*c*) of Clause 13 and add the word 'and' at the end of subclause (2) (*d*) of Clause 13.

I also move that in Clause 13, add the following as sub-clause (2) (*e*) :—"the nature of proof under sub-section (3) of Section 6."

The object is to state specifically in the clause of the Bill dealing with the mandatory powers of Government such purposes which are expressly required to be provided by rules to be passed thereafter under the Act. Under this Bill there is only one such clause *i. e.* "sub-section 3 of Section 6."

MR. K. G. KUNJUKRISHNA PILLAI: I have no objection to accept the amendments.

The amendments were put to the House and declared carried.

Clause 13 as amended was put to vote and carried.

Clause 14.

The question that clause 14 stand part of the Bill was put to the House and passed.

Clause 14 was added to the Bill.

MR. K. G. KUNJUKRISHNA PILLAI: I move that Standing Order 46 be suspended for the purpose of considering this Bill.

PRESIDENT: It is suspended.

MR. K. G. KUNJUKRISHNA PILLAI: I move that further stages of the bill be proceeded with.

The House agreed to the motion.

Preamble and Title.

The question that the *Preamble* and Title do form part of the Bill was put to the vote of the House and declared carried.

The preamble and the title were added to the Bill.

MR. K. G. KUNJUKRISHNA PILLAI: I move in Clause (1) after the figures "111,' the figure '8' be added.

The motion was put to the vote of the House and carried.

The question that the Bill be passed was put to the vote of the House and carried.

The Bill was finally passed by the House.

PRESIDENT: The business before the House is over. Before the Members go away, they will meet and conduct the elections to the Food Control Advisory Committee; M. E. Subramonia Aiyar will preside.

The Assembly adjourned at 2-10 P. M.

B. PARAMU,
Secretary to the Sri Mulam Assembly.

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